

UNDERWOOD LAW FIRM, P.C.
Thomas C. Riney, SBN: 16935100
W. Heath Hendricks, SBN: 240556451
500 South Taylor, Suite 1200, LB 233
Amarillo, Texas 79101
Telephone: (806) 376-5613
Facsimile: (806) 379-0316
Email: tom.riney@uwlaw.com
Email: heath.hendricks@uwlaw.com

-and-

Michael R. Johnson (*Pro Hac Vice*)
RAY QUINNEY & NEBEKER P.C.
36 South State Street, Suite 1400
Salt Lake City, Utah 84111
Telephone: (801) 532-1500
Facsimile: (801) 532-7543
Email: mjohnson@rqn.com

Attorneys for Plaintiff Rabo AgriFinance LLC

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

IN RE: McCLAIN FEED YARD, INC., McCLAIN FARMS, INC., AND 7M CATTLE FEEDERS, INC., Debtors. ¹	Chapter 7 CASE NO. 23-20084-rlj Jointly Administered
RABO AGRIFINANCE LLC, <i>Plaintiff,</i> v. ACEY LIVESTOCK, LLC et al., <i>Defendants.</i> ²	ADV. PROC. NO. 23-02005-rlj Honorable Robert L. Jones

¹ The Debtors in these jointly administered cases are: (1) McClain Feed Yard, Inc. (Case No. 23-20084); (2) McClain Farms, Inc. (Case No. 23-20885); and (3) 7M Cattle Feeders, Inc. (Case No. 23-20886). All three cases are being jointly administered under the case number for McClain Feed Yard, Inc.

² The Defendants named in the Complaint are ACEY LIVESTOCK, LLC; MICHAEL ACEY; STAN E. AYERS, JR.; ARNOLD BRAUN TRUST; ARNOLD BRAUN; ROBERT BRAUN; BAR D RANCH LAND & CATTLE LLC; N.

AMENDED STIPULATION BETWEEN PLAINTIFF RABO AGRIFINANCE LLC AND DEFENDANTS RIDGEFIELD CAPITAL ASSET MANAGEMENT AND CARRAWAY CATTLE LLC CONCERNING TRUST CLAIM AMOUNTS, AND STIPULATION BETWEEN RABO AGRIFINANCE LLC AND DEFENDANT JIM GIORDANO FOR (A) WITHDRAWAL/WAIVER OF INTEREST IN DEALER TRUST CLAIM AND (B) HIS DISMISSAL FROM THIS ACTION

Plaintiff Rabo AgriFinance LLC (“RAF” or “**Plaintiff**”), former Defendants Ridgefield Capital Asset Management (“RCAM”) and Carraway Cattle LLC (“**Carraway Cattle**”), and current defendant Jim Giordano (“**Mr. Giordano**”), by and through their respective attorneys, hereby enter into this stipulation to amend the claim amounts already withdrawn by RCAM and Carraway Cattle, and to stipulate to Mr. Giordano’s withdrawal and/or waiver of any interest or

TERRY DICKS; BARRETT’S LIVESTOCK INC.; DON RALPH BARRETT; BELLA ELEGANCE LLC; BIG SEVEN CAPITAL PARTNERS, LLC; DORA BLACKMAN; BRYAN BLACKMAN; EDDIE BRYANT; BRENT BURNETT; JOE BURNETT; TERRY BURNETT; BUSS FAMILY TRUST; EDWIN D. BUSS; DENNIS BUSS; C HEART RANCH, LLC; COLETTE LESH; CARRAWAY CATTLE, LLC; RICHARD CARRAWAY; CURTIS JONES FARMS; DAC83 LLC; ERIC DeJARNATT; DON JONES FARM, INC.; DON JONES TRUCKING, INC.; DUFURRENA CUTTING HORSES; EDWARD LEWIS DUFURRENA; RIETA MAY DUFURRENA; ROBERT ELLIS; MICHAEL EVANS; DOUG FINLEY; GARWOOD CATTLE CO.; JUSTIN GARWOOD; GENE BROOKSHIRE FAMILY, LP; JOEL BROOKSHIRE; GRAY BROTHERS CATTLE; ROBERT GRAY; RONNIE GRAY; JIMMY GREER; GUNGOLL CATTLE, LLC; BRADLEY GUNGOLL; LEAH GUNGOLL; JACE HARROLD; HINES CATTLE COMPANY, LLC; HINES FARMS, LLC; A.J. JACQUES LIVING TRUST; CORY JESKO; DWIGHT JESKO, JOANN & KEITH BROOKS d/b/a BROOKS FARMS; LARRY KEITH; DUSTIN JOHNSON; DAVID JOHNSON; KINSEY JONES; KINGDOM TRUST; JAMES MCCUAN; KEITH HARRIS; JANICE LAWHON; JAN LESH; MORRISON CAFÉ, LLC; LESH FAMILY TRUST; GARY LESH; JARED LESH; JORDAN LESH, LLC; LFC CATTLE; CHARLES LOCKWOOD; COLE LOCKWOOD; SHERLE LOCKWOOD; NIKKI LOCKWOOD; MAP ENTERPRISES; MIKE GOURLEY; NATALIE MARTUS; JEAN NIX; OPEN A ARENA LLC; BARRY PHILLIPS; DREW PHILLIPS; PRIEST CATTLE COMPANY LTD; PRIEST VICTORY INVESTMENT LLC; CHRISTOPHER PRINCE; PRODUCERS LIVESTOCK COMMISSION; SONNY BARTHOLD; DAVID RAINEY; RAPP RANCH; MARK J. REISZ; RALPH REISZ; RIDGEFIELD CAPITAL ASSET MANAGEMENT; JIM GIORDANO; RILEY LIVESTOCK, INC.; ANGIE ROBINSON; RICK RODGERS; STEVE RYAN; JIM RININGER; SCARLET & BLACK CATTLE, LLC; COLTON LONG; SCOTT LIVESTOCK COMPANY; SHAW & SHAW FARMS PARTNERSHIP LLC; THE UNIVERSITY OF FLORIDA; ROBERT J. SPRING; STARNES CATTLE; JEFF STARNES; EDDIE STEWART; ROBERT STEWART; RACHEL STEWART; SCOTT E. STEWART; STEVE T SCOTT FARMS, INC.; JUSTIN STUEVER; PHILLIP SULLIVAN; AMY SUTTON; CRAIG SUTTON; TGF RANCH LLC; TOM FRITH; THORLAKSON DIAMOND T FEEDERS, L.P.; JOHN TIDWELL; MYKEL TIDWELL; TINDAL TRUCK SALES; JOHN TINDAL; JANET VANBUSKIRK; LYNDAL VANBUSKIRK; SUSAN VAN BUSKIRK; COLBY VANBUSKIRK; CAMERON WEDDINGTON; NANCY WEDDINGTON; WILLIAM WEDDINGTON; WILDForest CATTLE COMPANY LLC; WILEY ROBY RUSSELL, JR. as TRUSTEE OF THE W. ROBBIE RUSSELL LIVING TRUST; WJ PERFORMANCE HORSES, INC.; JOB WHITE; and KENT RIES, in his capacity as CHAPTER 7 TRUSTEE OF THE DEBTORS’ CONSOLIDATED BANKRUPTCY ESTATE.

right in the RCAM Dealer Trust Claim (as defined below) and to dismiss Mr. Giordano from this action based upon that withdrawal/waiver.

In support hereof, RAF, RCAM, Carraway Cattle, and Mr. Giordano stipulate and agree as follows:

A. Amendment to Stipulation Dated May 22, 2024

1. On or about April 27, 2023, RCAM filed a claim with the United States Department of Agriculture (the “**USDA**”) asserting a claim (the “**RCAM Dealer Trust Claim**”) pursuant to the provisions of 7 U.S.C. § 217b (the “**Dealer Trust Statute**”).

2. On or about May 1, 2023, Carraway Cattle filed a claim with the USDA asserting a claim (the “**Carraway Cattle Dealer Trust Claim**”) pursuant to the Dealer Trust Statute.

3. On May 22, 2024, RAF and RCAM, Carraway Cattle, and other defendants entered a stipulation (the “**May Stipulation**”) for, among other things, the withdrawal of the RCAM Dealer Trust Claim and Carraway Cattle Dealer Trust Claim, and the dismissal of RCAM and Carraway Cattle from this action. (May Stipulation, Docket No. 164.)

4. The May Stipulation mistakenly stated that the total amount of the RCAM Dealer Trust Claim was \$1,086,666.97. (*See id.* at 3.)

5. RAF and RCAM agree and hereby stipulate that the total amount of the RCAM Dealer Trust Claim that was originally asserted to the USDA, and then withdrawn by RCAM through the May Stipulation, is **\$2,182,751.53**.

6. With respect to Carraway Cattle, the May Stipulation mistakenly stated that the total amount of the Carraway Cattle Dealer Trust Claim was \$107,648.02. (*See id.* at 4.)

7. RAF and Carraway Cattle agree and hereby stipulate that the total amount of the Carraway Cattle Dealer Trust Claim that was originally asserted to the USDA, and then withdrawn by Carraway Cattle through the May Stipulation, is **\$489,298.48**.

B. Mr. Giordano's Withdrawal/Waiver of Trust Claim and Dismissal from Case

8. Mr. Giordano signed the RCAM Dealer Trust Claim in his capacity as Chief Financial Officer of RCAM. Mr. Giordano does not personally have any claim against any of the bankruptcy debtors, including any Dealer Trust claim.

9. Insofar as Mr. Giordano had any personal interest or right in the RCAM Dealer Trust Claim, Mr. Giordano hereby formally withdraws and waives any such interest or right, and expressly acknowledges that RCAM has formally withdrawn the RCAM Dealer Trust Claim. Further, Mr. Giordano asserts no claims of any kind against any of the bankruptcy debtors, including any claims under the Dealer Trust Statute.

10. Based upon the forgoing, RAF hereby dismisses its claim in this adversary proceeding, as against Mr. Giordano only, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A), as incorporated in adversary proceedings by Federal Rule of Bankruptcy Procedure 7041.

DATED this 23rd day of July 2024.

UNDERWOOD LAW FIRM, P.C.
Thomas C. Riney, SBN: 16935100
W. Heath Hendricks, SBN: 240556451
500 South Taylor, Suite 1200, LB 233
Amarillo, Texas 79101
Telephone: (806) 376-5613
Facsimile: (806) 379-0316
Email: tom.riney@uwlaw.com
Email: heath.hendricks@uwlaw.com

-and-

Michael R. Johnson (Pro Hac Vice)
RAY QUINNEY & NEBEKER P.C.
36 South State Street, Suite 1400
Salt Lake City, Utah 84111
Telephone: (801) 532-1500
Facsimile: (801) 532-7543
Email: mjohnson@rqn.com

/s/ Michael R. Johnson

Michael R. Johnson

Attorneys for Rabo AgriFinance LLC

CRENSHAWN, DUPREE & MILAM, LLP
Amber S. Miller, SBN: 24050320
Happy State Bank Building
4411 98th Street, Suite 400
Lubbock, Texas 79424
Telephone: (806) 762-5281
Facsimile: (806) 762-3510
Email: amiller@cdmlaw.com

/s/ Amber S. Miller (with permission)
Amber S. Miller
*Attorneys for RCAM, Carraway Cattle,
and Mr. Giordano*

CERTIFICATE OF SERVICE

I hereby certify that on July 23, 2024, I caused the foregoing to be electronically filed with the Clerk of the Court via the Court's CM/ECF system, which will send notification of the filing on the following:

- Rachel E Barr rbarr@namanhowell.com
- Steven Lee Hoard shoard@mhba.com, ssepulveda@mhba.com, eanderson@mhba.com
- Hudson M. Jobe hjobe@qslwm.com, nchancellor@qslwm.com
- Todd Jeffrey Johnston tjohnston@mcjllp.com, tlofgren@mcjllp.com
- David L. LeBas dlebas@namanhowell.com, jaucoin@namanhowell.com
- Abel Angel Leal abel@ssbtxlaw.com, abel@leal.law
- John F. Massouh john.massouh@sprouselaw.com, sherida.stone@sprouselaw.com
- Joseph H Mattingly joe@mattinglylawoffices.com
- Amber Miller amiller@cdmlaw.com, sboggs@cdmlaw.com
- Kent David Ries kent@kentries.com
- Kyle Weldon kyle@bradburycounsel.com

/s/ Liz Beidoun